

## DISTRICT COURT (THIRD DISTRICT : SALT LAKE COUNTY) [1688]

### MISCELLANEOUS CASE FILES (RESTRICTED), 1940#1992.

3 cu. ft.

**DESCRIPTION:** This series contains individual documents from miscellaneous case files or entire civil case files which have been ordered sealed by the court pursuant to statute or court rule or otherwise restricted. These documents were removed from the miscellaneous case files during archival processing. By law, records to be sealed are placed in an envelope which is then securely sealed. The court clerk records the case number on the envelope and inscribes across the sealed part of the envelope the words "Records sealed. Not to be opened except upon written order of the court." Sealed records are closed to inspection, except in some cases to the parties. Among the restricted cases are sealed adoption files, sealed and expunged cases often relating to criminal investigations, and private medical files associated with court ordered sterilization or psychiatric examination.

The case files from which the restricted documents were removed are a collection of all documents and actions filed with the court clerk in connection with individual court actions. They document the legal process and the administration of justice in conjunction with miscellaneous cases that do not involve a hearing and generally need only the formality of a judge's signature for approval and thus take up little judicial time. The restricted documents are distinguished from series 12628, CIVIL CASE FILES (SEALED), 1957#1969, which involve disputed cases wherein issues are more complex and proceedings more protracted.

**ARRANGEMENT:** Since the addition of an alphanumeric prefix in 1977 (the letter "M", designating it as a miscellaneous case file, combined with a two-digit number indicating the year the action was begun), the arrangement has been chronological by calendar year, thereunder numerical by consecutive case number, i.e., M77-142. Documents within

individual case files are arranged chronologically by filing date.

Cases were originally arranged chronologically by initial filing date. As documents were filed, an entry was made in the MISCELLANEOUS FILE REGISTERS OF ACTIONS. As a reference, the volume and page number of the entry was then noted on the document filed, i.e., 3-14. Several distinct cases generally appear on each page with all cases bearing the same volume and page number.

**RESEARCH NOTE:** The MISCELLANEOUS CASE FILES (series 6381) from which these sealed and restricted documents have been removed retain their public classification and remain accessible to researchers.

**RELATED RECORDS:** Cases sealed by court order or otherwise restricted have been removed from series 6381, MISCELLANEOUS CASE FILES (1940#1992). As miscellaneous cases were filed with the court clerk, they were recorded in the MISCELLANEOUS FILE REGISTERS OF ACTIONS (1925#1977), series 14157, which serves as an index to the early case files. Other indices to the case files include the MISCELLANEOUS ALPHABETIC INDEX (1977#1992), series 14158, and the MISCELLANEOUS NUMERIC INDEX (1977#1988), series 14159. Beginning in 1993, the clerk began incorporating all cases formerly designated miscellaneous cases into series 1622, CIVIL CASE FILES (1896#present). Sealed documents removed from series 1622 are placed in series 12628, CIVIL CASE FILES (SEALED), (1957#present).

**ACCESS RESTRICTIONS:** The Government Records Access and Management Act (GRAMA) provides that judicial records may be restricted under the rules of criminal or civil procedure (UCA 63-2- 301 [1] [f]). A party to an action may petition the court to expunge or seal case records. Among the sealed records are documents relinquishing newborn children for adoption, generally out of state. The Salt Lake County Clerk was ordered that "all files wherein orders of adoption have been or will hereafter be made be sealed and shall remain sealed except for opening by a specific order of the court" (order of Judge Joseph G. Jeppson entered in the Miscellaneous File Registers of Actions, volume 3, page 151, on May 27, 1966). Adoption petitions, written reports, and any documents filed in connection with an adoption hearing are to be sealed according to UCA 78-30-15.

Documents pertaining to court-ordered sterilization or psychiatric examination fall under the provisions of UCA 63-2-302(1)(b) making medical records private.

**CUSTODY HISTORY:** The Salt Lake County Clerk was constitutionally designated as ex-officioclerk of Third District Court in and for Salt Lake County until 1989 when the state assumed full financial and administrative responsibility for the district court. At that time a new court clerk was appointed. The county/district court clerk first transferred a few

miscellaneous cases to the state archives in 1968 while the district court clerk transferred another 24 cubic feet in 1992.

**PROCESSING NOTE:** Case files were designated as a permanent record by Records Disposition Request 67-8, which also authorized microfilming and destruction of the original records. The records retention policy of the Utah Judicial Council reprinted in the 1983 state retention schedule first specified a nine-year retention before microfilming. A decision by the state archivist to maintain the paper format supersedes the policy to microfilm and destroy the originals after a nine-year retention. These records were archivally processed by W. Glen Fairclough, Jr., in 1994.

**GAPS IN THE SERIES:** Cases from February 1977 to January 1980 are missing from series 6381, MISCELLANEOUS CASE FILES (1940#1992).

#### **CONTAINER LIST**

| <b>Box</b> | <b>Description</b> | <b>Date</b> |
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| <b>Box</b> | <b>Description</b> | <b>Date</b> |
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| 1          | 5-87               | 1971        |
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| 1          | 5-130              | 1972        |
| 1          | 5-132              | 1972        |
| 1          | 5-140              | 1972        |
| 1          | 5-172              | 1972        |
| 1          | 5-186              | 1972        |
| 1          | 5-205              | 1972        |
| 1          | 5-207              | 1972        |
| 1          | 5-218              | 1975        |
| 1          | 5-240              | 1975        |
| 1          | 5-252              | 1975        |
| 1          | 5-253              | 1976        |
| 1          | 5-264              | 1976        |
| 1          | 5-269              | 1976        |
| 1          | 5-300              | 1976        |
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| 1          | 5-307              | 1977        |
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| 2          | 84-56              | 1984        |
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| <b>Box</b> | <b>Description</b> | <b>Date</b> |
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| <b>Box</b> | <b>Description</b> | <b>Date</b> |
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